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1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

-----x

3 UNITED STATES OF AMERICA,

New York, N.Y.

4 v.

15 Cr. 793 (JMF)

5 VINCENT GHAREMANI,

6 Defendant.

7 -----x

8 November 20, 2017  
9 10:40 a.m.

10 Before:

11 HON. JESSE M. FURMAN,

12 District Judge

13  
14 APPEARANCES

15 JOON H. KIM

16 Acting United States Attorney for  
the Southern District of New York

17 BY: GEORGE D. TURNER

18 Assistant United States Attorney

19 ALESSANDRA DeBLASIO

20 Attorney for Defendant

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1 (Case called)

2 MR. TURNER: Good morning, your Honor. George Turner  
3 for the government.

4 THE COURT: Good morning, Mr. Turner.

5 MS. DeBLASIO: Good morning, your Honor. Alessandra  
6 DeBlasio, on behalf of Mr. Vincent Ghahremani.

7 THE COURT: Good morning to the two of you, as well.  
8 I am sorry to keep you all waiting.

9 So my understanding is that the defendant,  
10 Mr. Ghahremani, wishes to change his plea and enter a plea of  
11 guilty to Count One of the indictment, 15 Cr. 793.

12 Is that correct, Mr. Ghahremani?

13 MS. DeBLASIO: That's correct, your Honor.

14 THE COURT: So before I accept your guilty plea,  
15 Mr. Ghahremani, I need to ask you certain questions to ensure  
16 that you are pleading guilty because you are in fact guilty --  
17 you can sit down for one moment. I will ask you to stand in a  
18 couple seconds, but for now you can sit -- to ensure that you  
19 are pleading guilty because you are in fact guilty and not for  
20 some other reason; to ensure that you know the rights that you  
21 would be giving up by pleading guilty; and that you understand  
22 the potential consequences of a guilty plea.

23 It is critical that you understand each of my  
24 questions before you answer the questions, so if there is  
25 something that you do not understand, I want you to let me know

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1 right away so that your lawyer or I could explain it to you  
2 more fully. And if at any point you would like to speak with  
3 your lawyer for whatever reason, just let me know and I will be  
4 happy to give you however much time you wish to speak with her.

5 Do you understand?

6 THE DEFENDANT: Yes, I do, your Honor.

7 THE COURT: Could you just move the microphone a  
8 little closer.

9 THE DEFENDANT: Sure.

10 THE COURT: Now I will ask you to stand so that my  
11 deputy, Ms. Smallman, can administer the oath to you.

12 (Defendant sworn)

13 THE COURT: Now you may be seated.

14 You are now under oath, which means that if you answer  
15 any of my questions falsely, you may be subject to prosecution  
16 for the separate crime of perjury.

17 Do you understand that?

18 THE DEFENDANT: Yes, I do, your Honor.

19 THE COURT: What is your full name?

20 THE DEFENDANT: Vincent Ghahremani.

21 THE COURT: How old are you?

22 THE DEFENDANT: I am becoming 45 in November 23.

23 THE COURT: Happy almost birthday.

24 How far did you go in school?

25 THE DEFENDANT: I have graduated from university.

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1 THE COURT: And where did you go to university?

2 THE DEFENDANT: In Norway.

3 THE COURT: Have you ever been treated or hospitalized  
4 for any mental illness?

5 THE DEFENDANT: No, your Honor.

6 THE COURT: Are you now or have you recently been  
7 under the care of a doctor or a psychiatrist?

8 THE DEFENDANT: No, your Honor.

9 THE COURT: And have you ever been treated or  
10 hospitalized for any type of addiction, including drug or  
11 alcohol addiction?

12 THE DEFENDANT: No, your Honor.

13 THE COURT: Have you taken any drugs, medicine, pills,  
14 or had any alcohol in the last 48 hours?

15 THE DEFENDANT: No, your Honor.

16 THE COURT: Is your mind clear today?

17 THE DEFENDANT: Yes.

18 THE COURT: Do you understand what's happening here  
19 today?

20 THE DEFENDANT: Yes, I do.

21 THE COURT: Ms. DeBlasio, have you discussed this  
22 matter with Mr. Ghahremani?

23 MS. DeBLASIO: Yes, I have, your Honor. I'm not sure  
24 if it is worth putting on the record, but he is a native Farsi  
25 and Norwegian speaker. English is his third or fourth

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1 language, but he understands it perfectly. And just so there  
2 is no issue in the future, we always speak in English.

3 THE COURT: I appreciate your making a record of that  
4 and can confirm that certainly, based on my colloquy with  
5 Mr. Ghahremani, he seems quite adept in English, so I have no  
6 concerns, and he has confirmed that he can understand.

7 Is it the case that you are able to and comfortable  
8 speaking in English?

9 THE DEFENDANT: No, I'm fine.

10 THE COURT: Great.

11 So, Ms. DeBlasio, you have discussed this matter with  
12 Mr. Ghahremani?

13 MS. DeBLASIO: Yes, your Honor.

14 THE COURT: And does he understand the rights that he  
15 would be giving up by pleading guilty?

16 MS. DeBLASIO: He does, your Honor.

17 THE COURT: And in your judgment, is he capable of  
18 understanding the nature of these proceedings?

19 THE DEFENDANT: Yes.

20 THE COURT: Does either counsel have any doubt as to  
21 the defendant's competence to plead guilty at this time?

22 MS. DeBLASIO: I have no doubt.

23 MR. TURNER: No, your Honor.

24 THE COURT: Great.

25 On the basis of Mr. Ghahremani's responses to me

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1 questions, my observations of his demeanor here in court, and  
2 the representations of counsel, I find that he is fully  
3 competent to enter an informed plea of guilty at this time.

4 Mr. Ghahremani, have you received a copy of the  
5 indictment, 15 Cr. 793, containing the charge to which you are  
6 pleading guilty?

7 THE DEFENDANT: Yes, your Honor.

8 THE COURT: Have you read it?

9 THE DEFENDANT: Yes, your Honor.

10 THE COURT: Did you discuss it with Ms. DeBlasio?

11 THE DEFENDANT: Yes, several times.

12 THE COURT: And did you have enough time to talk to  
13 her about the charge to which you are pleading guilty and any  
14 possible defenses to that charge?

15 THE DEFENDANT: Yes, your Honor, I have.

16 THE COURT: Did she explain to you the rights that you  
17 would be giving up by pleading guilty?

18 THE DEFENDANT: Yes, your Honor.

19 THE COURT: Are you satisfied with her representation  
20 of you?

21 THE DEFENDANT: I am very satisfied, with  
22 Ms. DeBlasio, yes, your Honor.

23 THE COURT: I have here a written advice of rights  
24 form that appears to have been signed by you and Ms. DeBlasio,  
25 dated today, November 20.

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1           If you can see it from there, I'm showing you page 2,  
2           the signature page. If you can see it, is that your  
3           signature?

4           THE DEFENDANT: That is my signature, your Honor.

5           THE COURT: And before you signed that form, did you  
6           read it.

7           THE DEFENDANT: Yes.

8           THE COURT: Before you signed it, did you discuss it  
9           with Ms. DeBlasio?

10          THE DEFENDANT: Yes, I did.

11          THE COURT: Did she explain it to you and answer any  
12          questions you may have had before you signed the form?

13          THE DEFENDANT: Fully, yes, your Honor.

14          THE COURT: Did you fully understand the form before  
15          you signed it?

16          THE DEFENDANT: I did fully understand it.

17          THE COURT: I will mark this form as Exhibit 1 and  
18          provide it to the government to retain in its possession after  
19          this proceeding, but I'm going to go over many of the things  
20          with you that are in the form just to ensure that you  
21          understand what you are doing and the consequences of what you  
22          are doing.

23                 Under the Constitution and laws of the United States,  
24                 you have the right to plead not guilty to the charges in the  
25                 indictment.

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1 Do you understand that?

2 THE DEFENDANT: I do understand that, your Honor.

3 THE COURT: If you did plead not guilty, you would be  
4 entitled to a speedy and public trial by a jury on the charges  
5 in the indictment.

6 Do you understand that?

7 THE DEFENDANT: I do understand that, your Honor.

8 THE COURT: At that trial, you would be presumed to be  
9 innocent and you would not have to prove that you were  
10 innocent. Instead, the government would be required to prove  
11 your guilt by competent evidence beyond a reasonable doubt  
12 before a jury could find you guilty.

13 Do you understand that?

14 THE DEFENDANT: I do understand that, your Honor.

15 THE COURT: In order to find you guilty, a jury of 12  
16 people would have to agree unanimously that you were guilty.

17 Do you understand that?

18 THE DEFENDANT: I do.

19 THE COURT: At that trial, and at every stage of your  
20 case, you would be entitled to be represented by a lawyer; and  
21 if you could not afford a lawyer, one would be appointed at  
22 public expense, free of cost, to represent you.

23 Do you understand that?

24 THE DEFENDANT: I do understand that, your Honor.

25 THE COURT: During a trial, the witnesses for the



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1 government would be required to come to court and testify in  
2 your presence, and your lawyer would have an opportunity to  
3 cross-examine them and object to evidence that the government  
4 would offer against you at trial.

5 You would also have an opportunity to introduce  
6 evidence on your own behalf, and you would have the right to  
7 have subpoenas issued or other process used to compel witnesses  
8 to come to court and testify in your defense.

9 Do you understand all that?

10 THE DEFENDANT: I do understand that, your Honor.

11 THE COURT: At a trial, you would also have the right  
12 to testify on your own behalf if you chose to do so, but you  
13 would have the right not to testify as well; and if you chose  
14 not to testify, then no one -- including the jury -- could draw  
15 any inference or suggestion of your guilt from the fact that  
16 you did not testify.

17 Do you understand that?

18 THE DEFENDANT: I do understand that, yeah.

19 THE COURT: Before a trial, you would have an  
20 opportunity, if you have not waived it, to seek suppression or  
21 exclusion of any evidence that the government would introduce  
22 against you at a trial.

23 Do you understand that?

24 THE DEFENDANT: I do understand that, your Honor.

25 THE COURT: If you were convicted at a trial, you

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1 would have the right to appeal that verdict and any pretrial  
2 rulings that I made in your case.

3 Do you understand that?

4 THE DEFENDANT: I do understand that, your Honor.

5 THE COURT: If you plead guilty, you will also have to  
6 give up your right not to incriminate yourself because I may  
7 ask you questions about what you did in order to satisfy myself  
8 that you are guilty as charged, and you will have to admit and  
9 acknowledge your guilt.

10 Do you understand that?

11 THE DEFENDANT: I do, your Honor.

12 THE COURT: Now, in connection with what I asked you  
13 before about the right to appeal any pretrial rulings, you may  
14 recall that your lawyers earlier in this case filed a motion on  
15 your behalf, but you subsequently withdrew that motion.

16 Do you understand that?

17 THE DEFENDANT: I do, your Honor, yes.

18 THE COURT: And do you understand that, by pleading  
19 guilty, you are giving up your ability to raise that issue on  
20 appeal, even though you didn't even pursue it here?

21 Do you understand that?

22 THE DEFENDANT: Yes, I do, your Honor.

23 THE COURT: Now, if you plead guilty and if I accept  
24 your plea, you will give up your right to a trial and the other  
25 rights that we have just discussed, other than your right to a

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1 lawyer, which you will keep whether or not you plead guilty,  
2 but there will be no trial and I will enter a judgment of  
3 guilty and sentence you on the basis of your plea after I have  
4 received a presentence report prepared by the United States  
5 Probation Department and any submissions that I get from the  
6 lawyers. There will be no appeal with respect to whether you  
7 did or did not commit the charge to which you are pleading  
8 guilty and there will be no appeal with respect to whether the  
9 government could or could not use the evidence that it has  
10 against you.

11 Do you understand all of that?

12 THE DEFENDANT: Yes, I do, your Honor.

13 THE COURT: Even now, as you are entering this guilty  
14 plea, you have a right to change your mind, to plead not  
15 guilty, and to go to trial on the charges in the indictment.

16 Do you understand that?

17 THE DEFENDANT: I do, your Honor.

18 THE COURT: Do you understand each and every one of  
19 the rights that we have just discussed?

20 THE DEFENDANT: Yes, your Honor.

21 THE COURT: And are you willing to give up your right  
22 to a trial and the other rights that we have discussed?

23 THE DEFENDANT: Yes, your Honor.

24 THE COURT: All right. Do you understand that you are  
25 charged in Count One with conspiring to import into the United

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1 States, for purposes of distribution, certain controlled  
2 substances, namely, five kilograms or more of mixtures and  
3 substances containing a detectable amount of cocaine, in  
4 violation of Title 21 United States Code § 963.

5 Do you understand that that is the charge?

6 THE DEFENDANT: Yes, I do, your Honor.

7 THE COURT: Mr. Turner, would you please state the  
8 elements of that offense?

9 MR. TURNER: Yes, your Honor. There are three:

10 First, the existence of the charged conspiracy to  
11 import a controlled substance into the United States;

12 Second, that the defendant knowingly and intentionally  
13 joined that conspiracy; and,

14 Third, that the controlled substance involved was five  
15 kilograms or more of mixtures and substances containing a  
16 detectable amount of cocaine.

17 And the government would also be required to prove  
18 that venue is proper in the Southern District of New York by a  
19 preponderance of the evidence.

20 THE COURT: Thank you.

21 Mr. Ghahremani, do you understand that, with the  
22 exception of the venue requirement that Mr. Turner mentioned at  
23 the end, "venue" being that the case is properly tried or  
24 prosecuted in this district, that with the exception of that  
25 element as to which the government's burden at a trial would be

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1 a preponderance of the evidence, that if you were to go to  
2 trial, the government would be required to prove each of the  
3 other elements beyond a reasonable doubt before a jury could  
4 find you guilty?

5 Do you understand that?

6 THE DEFENDANT: Yes, I do, your Honor.

7 THE COURT: Let me tell you about the maximum possible  
8 sentences for this crime. By "maximum" I mean the most that  
9 could possibly be imposed upon you. It doesn't mean that that  
10 is the sentence that you will receive, but you have to  
11 understand that, by pleading guilty, you are exposing yourself  
12 to a combination of punishments up to the maximum that I am  
13 going to tell you.

14 Do you understand that?

15 THE DEFENDANT: Yes. Yes, I do, your Honor.

16 THE COURT: All right.

17 Now, let me start with the possible restrictions on  
18 your liberty. The maximum term of imprisonment for this crime  
19 is life in prison, which could be followed by up to a lifetime  
20 term of supervised release. "Supervised release" means that  
21 you would be subject to supervision by the probation  
22 department. There would be rules of supervised release that  
23 you would be required to follow, and if you violated those  
24 rules, you could be returned to prison to serve additional time  
25 without a jury trial and without credit for time spent on your

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1 underlying sentence or time spent on post-release supervision.

2 Do you understand all that?

3 THE DEFENDANT: Yes, I do, your Honor.

4 THE COURT: You should understand that there is no  
5 parole in the federal system in this country, which means that  
6 if you were sentenced to prison, you would not be released  
7 early on parole. There is a limited opportunity to earn credit  
8 for good behavior, but if you were sentenced to prison, you  
9 would have to serve at least 85 percent of the time to which  
10 you were sentenced.

11 Do you understand that?

12 THE DEFENDANT: Yes, I do, your Honor.

13 THE COURT: In addition to those restrictions on your  
14 liberty, the maximum possibility punishment also includes  
15 certain financial penalties:

16 First, the maximum allowable fine is the greatest of  
17 \$10 million or twice the gross pecuniary, that is, financial,  
18 gain derived from the offense or twice the gross pecuniary, or  
19 financial, loss to someone other than you as a result of the  
20 offense.

21 Second, I can order restitution to any person or  
22 entity injured as a result of your criminal conduct.

23 Third, I can order you to forfeit all property derived  
24 from the offense or used to facilitate the offense. And on  
25 that front, I note that in the plea agreement we will discuss

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1     shortly you admit to the forfeiture allegation with respect to  
2     Count One of the indictment.

3             And, finally, I must order a mandatory special  
4     assessment of \$100.

5             Do you understand that those are the maximum possible  
6     penalties?

7             THE DEFENDANT: Yes, your Honor, I do.

8             THE COURT: In addition to understanding the maximum  
9     possible penalties, you should understand that the crime to  
10    which you are pleading guilty carries certain mandatory minimum  
11    penalties, that is, absent a motion by the government or my  
12    finding, which we will discuss in a moment in more detail, that  
13    you qualify for what is known as the safety valve, that there  
14    would be a mandatory minimum term of imprisonment, namely, ten  
15    years, which would be followed by a mandatory minimum of at  
16    least five years of supervised release. That is, absent a  
17    motion by the government or my finding that you qualify for the  
18    safety valve, I would be required to impose at least ten years  
19    of imprisonment followed by at least five years of supervised  
20    release.

21            Do you understand that?

22            THE DEFENDANT: Yes, I do, your Honor.

23            THE COURT: Now in this case, even though there is  
24    that mandatory minimum, my understanding from the plea  
25    agreement, which we will discuss shortly, is that the

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1 government agrees, at least for now, that you qualify for the  
2 so-called safety valve, that is, a statutory provision that  
3 says if you meet certain conditions, that the court is allowed  
4 to sentence you without regard for the mandatory minimum. You  
5 get some credit under the guidelines; but, more importantly,  
6 I'm not required to impose the mandatory minimum sentence of  
7 ten years. I can go below that.

8 Do you understand that?

9 THE DEFENDANT: I do, your Honor.

10 THE COURT: Do you understand that in order for you to  
11 qualify, I need to make the determination that you qualify,  
12 namely, that you meet the five requirements, or conditions, for  
13 the so-called safety valve, and I'm not going to do that today.  
14 I will do that at the time of sentencing. And you will be  
15 bound by your guilty plea whether I find that you qualify for  
16 the so-called safety value or not.

17 Do you understand that?

18 THE DEFENDANT: I do, your Honor.

19 THE COURT: Are you a citizen of the United States? I  
20 take it not.

21 THE DEFENDANT: No, I am not.

22 THE COURT: Do you understand that, as a result of  
23 your guilty plea, there may be adverse effects on your  
24 immigration status; that you may, for example, be detained by  
25 the immigration authorities following the completion of your



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1 criminal sentence; that you may be removed or deported from the  
2 United States; that you may be denied admission to the United  
3 States; and that you may be denied citizenship in the United  
4 States.

5 Do you understand that those are some of the adverse  
6 immigration consequences of a guilty plea?

7 THE DEFENDANT: Yes, your Honor, I do.

8 THE COURT: Have you discussed the potential  
9 immigration consequences of your guilty plea with your  
10 lawyers?

11 THE DEFENDANT: Yes, I have.

12 THE COURT: Now, on this subject, my understanding is  
13 that, in the plea agreement we will discuss shortly, you have  
14 actually agreed to the entry of an order of -- let me find the  
15 actual language -- entry of a stipulated judicial order of  
16 removal pursuant to Title 8 United States Code § 1228(c)(5),  
17 that is, essentially you have agreed that I can sign an order  
18 directing that you be removed to Norway either upon the  
19 completion of your -- well, upon the completion of your  
20 sentence.

21 Is that correct?

22 THE DEFENDANT: That is correct, your Honor.

23 THE COURT: I have here a proposed order supported by  
24 various documents, including one that appears to have been  
25 signed by you and Ms. DeBlasio. Is that correct?

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1 THE DEFENDANT: That's correct, your Honor.

2 THE COURT: I'm showing you the page with your  
3 signature dated today. Is that your signature there?

4 THE DEFENDANT: Yes, your Honor.

5 THE COURT: Very good.

6 Do you, in fact, consent to my signing the stipulated  
7 order of removal?

8 THE DEFENDANT: Yes, your Honor.

9 THE COURT: All right.

10 Do you understand that as a result of your guilty  
11 plea, you may also lose certain valuable civil rights in this  
12 country, to the extent that you have them or could otherwise  
13 obtain them, such as, the right to vote, the right to hold  
14 public office, the right to serve on a jury, and the right to  
15 possess any kind of firearm?

16 Do you understand that?

17 THE DEFENDANT: Yes, your Honor.

18 THE COURT: Are you serving any other sentence?

19 THE DEFENDANT: No, your Honor.

20 THE COURT: No other sentence in any other country?

21 THE DEFENDANT: No, your Honor.

22 THE COURT: And are you being prosecuted in any other  
23 court at this time?

24 THE DEFENDANT: No, your Honor.

25 THE COURT: Do you understand that if your lawyers or

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1 anyone else have attempted to predict what your sentence will  
2 be in this case, that their predictions could be wrong?

3 Do you understand that?

4 THE DEFENDANT: Yes, your Honor.

5 THE COURT: It is important for to you understand that  
6 no one -- not your lawyers, not the government lawyers, no  
7 one -- can give you any promise or assurance to what your  
8 sentence will be in this case, and that is because your  
9 sentence will be determined by me and by me alone, and I'm not  
10 going to do that today. Instead, I will wait until I receive  
11 the presentence report prepared by the United States Probation  
12 Department that I mentioned earlier, I will do my own  
13 calculation of how the sentencing guidelines apply to your case  
14 and consider any possible departures from the guidelines range,  
15 I will consider any submissions I get from the lawyers, and  
16 ultimately the factors that are set forth in a statute that  
17 governs sentencing, Title 18 United States Code § 3553(a).

18 Do you understand all that?

19 THE DEFENDANT: Yes, I do, your Honor.

20 THE COURT: And have you discussed that process, the  
21 sentencing process, with your lawyers?

22 THE DEFENDANT: Yes, several times, your Honor.

23 THE COURT: Even if your sentence is different from  
24 what your lawyers or anyone else has told you that it might be,  
25 even if it is different from what you hope or expect it to be,

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1 and even if it is different from what may be in the plea  
2 agreement with the government that we will discuss in a moment,  
3 you will still be bound by your guilty plea and you will not be  
4 allowed to withdraw your plea.

5 Do you understand that?

6 THE DEFENDANT: I do, your Honor.

7 THE COURT: Now, I understand that there is a written  
8 plea agreement that you and your lawyers have entered into with  
9 the lawyers for the government.

10 Is that correct?

11 THE DEFENDANT: That is correct.

12 THE COURT: I have the original letter plea agreement  
13 here, dated November 16, 2017, from United States Attorneys  
14 Crowley and Turner, to your lawyers Mr. Feitel and  
15 Ms. DeBlasio. I will mark this as Court Exhibit 2 and provide  
16 it to the government to retain in its possession after this  
17 proceeding.

18 I am also showing you the last page, where you appear  
19 to have signed, dated today, November 20, as well.

20 If you can see it from there, is that your signature  
21 there?

22 THE DEFENDANT: Yes, your Honor.

23 THE COURT: Before you signed the plea agreement, did  
24 you read it?

25 THE DEFENDANT: Yes, I did.

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1 THE COURT: Before you signed it, did you discuss it  
2 with Ms. DeBlasio?

3 THE DEFENDANT: Yes, your Honor.

4 THE COURT: Did she answer whatever questions you may  
5 have had and explain the form to you?

6 THE DEFENDANT: Yes. She explained everything, your  
7 Honor.

8 THE COURT: Before you signed the plea agreement, did  
9 you fully understand it?

10 THE DEFENDANT: Yes, your Honor, I did.

11 THE COURT: All right.

12 Now, one of the features of your agreement is that you  
13 have agreed with the government on how the United States  
14 Sentencing Guidelines apply to your case. Is that correct?

15 THE DEFENDANT: Is that correct, your Honor.

16 THE COURT: It's important for you to understand that  
17 that agreement is binding on you and it is binding on the  
18 government, but it is not binding on me; that is, I have my own  
19 independent obligation to determine what the correct guidelines  
20 range is. I'm not suggesting to you that I will come up with a  
21 different calculation than the one to which you have agreed,  
22 but I could; and even if I did, you would still be bound by  
23 your guilty plea and you would not be allowed to withdraw your  
24 plea.

25 Do you understand that?

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1 THE DEFENDANT: Yes, your Honor.

2 THE COURT: Now, another feature of your agreement is  
3 that you have agreed to give up or waive your right to appeal  
4 or otherwise challenge any sentence that is within or below the  
5 stipulated sentencing guidelines range of 135 to 168 months in  
6 prison. That means if I sentenced you to 168 months in prison  
7 or anything less than 168 months in prison, you would still  
8 be -- excuse me, you would not have any right to appeal or  
9 challenge that sentence.

10 Do you understand that?

11 THE DEFENDANT: Yes, your Honor.

12 THE COURT: Does this written plea agreement  
13 constitute your complete and total understanding of the entire  
14 agreement between you and the government in this case?

15 THE DEFENDANT: Yes, your Honor.

16 THE COURT: Has anything been left out of the written  
17 plea agreement?

18 THE DEFENDANT: No, your Honor.

19 THE COURT: Has anyone made any promise or offered you  
20 any inducement to either plead guilty or to sign the plea  
21 agreement?

22 THE DEFENDANT: No, your Honor.

23 THE COURT: Has anyone threatened you or forced you to  
24 plead guilty or to sign the plea agreement?

25 THE DEFENDANT: No, your Honor.

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1 THE COURT: Has anyone made a promise to you as to  
2 what your sentence will be?

3 THE DEFENDANT: No, your Honor.

4 THE COURT: All right. Mr. Ghahremani, I would like  
5 you now to tell me in your own words what you did that makes  
6 you believe that you are guilty of the crime charged in Count  
7 One of the indictment.

8 THE DEFENDANT: Between 2014 and 2015, I agreed with  
9 my codefendant to attempt to procure weapons for people we  
10 believed to be Mexican cartel members, understanding that the  
11 weapons could be used to protect the shipments of drugs, five  
12 kilos or more, to the United States.

13 Among other steps, I put my codefendant in touch with  
14 a confidential informant, and I paid for my codefendant to go  
15 and meet the weapons suppliers and companies. I believed that  
16 that's a violation of the U.S. law.

17 THE COURT: When you did these things, did you  
18 understand and know that the object and the purpose of  
19 essentially the agreement that you had with others was to  
20 import five kilograms or more of cocaine into the United  
21 States?

22 THE DEFENDANT: Yes, your Honor.

23 THE COURT: And did you understand and know that that  
24 violated American law?

25 THE DEFENDANT: I do understand and know, your Honor,

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1 yes.

2 THE COURT: Mr. Turner, do you want to tell me what  
3 the basis is for venue here?

4 MR. TURNER: Your Honor, the government proffers that,  
5 in connection with this case, the defendant was first brought  
6 to and arrested in the Southern District of New York,  
7 specifically, Westchester Airport, in White Plains, New York,  
8 your Honor.

9 THE COURT: Any dispute about that, Ms. DeBlasio?

10 MS. DeBLASIO: No, your Honor.

11 THE COURT: And let me ask you, Mr. Ghahremani, did  
12 you understand and know that the purpose of the cocaine coming  
13 here, that it was intended for distribution here in the United  
14 States?

15 THE DEFENDANT: Yes, your Honor.

16 THE COURT: Ms. DeBlasio, have you discussed this  
17 matter with Mr. Ghahremani?

18 MS. DeBLASIO: I have, your Honor.

19 THE COURT: I think I asked you that before. But are  
20 you aware of any valid defense that would prevail at trial or  
21 of any reason why Mr. Ghahremani should not be permitted to  
22 plead guilty?

23 THE DEFENDANT: I am not aware of any valid defense or  
24 why he should not be permitted to plead guilty.

25 THE COURT: Mr. Turner, any other questions that you



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1 would like me to ask Mr. Ghahremani?

2 MR. TURNER: No, your Honor.

3 THE COURT: Would you please proffer briefly what the  
4 government's evidence would be if the defendant were to go to  
5 trial and what it would show.

6 MR. TURNER: Yes, your Honor.

7 The government's proof includes, among other evidence,  
8 recordings of meetings involving the defendant and his  
9 codefendant with multiple DEA confidential sources; documentary  
10 evidence, including a weapons catalog provided by the defendant  
11 and his codefendant to the confidential sources; videos sent by  
12 the defendant to the sources showing his codefendant test  
13 firing weapons; testimony from law enforcement officers who  
14 conducted surveillance of these meetings; and testimony from  
15 the DEA confidential sources who participated in those  
16 meetings, your Honor.

17 THE COURT: All right. Do both counsel agree that  
18 there is a sufficient factual basis for a guilty plea to Count  
19 One?

20 MR. TURNER: Yes, your Honor.

21 MS. DeBLASIO: Yes, your Honor.

22 THE COURT: And does either counsel know of any reason  
23 that I should not accept the defendant's plea of guilty.

24 MR. TURNER: No, Judge.

25 MS. DeBLASIO: No, your Honor.

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1           THE COURT: Okay. Mr. Ghahremani, because you  
2 acknowledge that you are in fact guilty as charged in Count One  
3 of the indictment, because I am satisfied that you know of your  
4 rights, including your right to go to trial; because I find  
5 that you are aware of the consequences of your guilty plea,  
6 including the sentence that could be imposed upon you; and  
7 because I find that you are knowingly and voluntarily pleading  
8 guilty, I accept your guilty plea and enter a judgment of  
9 guilty on Count One of the indictment.

10           The probation department will want to interview you in  
11 connection with its preparation of the presentence report that  
12 I mentioned earlier. If you choose to speak with the probation  
13 department, it is important that anything you say is truthful  
14 and accurate. Among other things, that report is important to  
15 me in deciding what sentence to impose upon you. Before  
16 sentencing, you and your lawyers will have an opportunity to  
17 review the report. I will urge you to review it with care, and  
18 if you find any mistakes in the report or anything that you  
19 want to bring to my attention in connection with your  
20 sentencing, that you share that with your lawyers so that they  
21 can do so in the proper manner.

22           Do you understand that?

23           THE DEFENDANT: Yes, I do, your Honor.

24           THE COURT: Ms. DeBlasio, do you wish to be present in  
25 connection with any interview?

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1 MS. DeBLASIO: Yes, your Honor, I do.

2 THE COURT: I will order that no interview take place  
3 unless counsel is present.

4 Sentencing will be set for March 1, 2018, at 3:30 in  
5 the afternoon.

6 I direct the government to provide the probation  
7 department with its factual statement of the offense within the  
8 next seven days and defense counsel should arrange for the  
9 defendant to be interviewed by probation within the next two  
10 weeks.

11 In accordance with my individual rules and practices,  
12 the defense submissions in connection with sentencing are due  
13 two weeks prior to sentencing. Government submissions are due  
14 one week prior to sentencing.

15 In the unlikely event that you don't intend to file a  
16 substantive sentencing submission, you should file a letter to  
17 that effect just so that we don't have to track you down.

18 Anything else, Mr. Turner?

19 MR. TURNER: No, your Honor.

20 THE COURT: Ms. DeBlasio?

21 MS. DeBLASIO: No. Thank you, your Honor.

22 THE COURT: All right. I wish everybody a very happy  
23 Thanksgiving, and we are adjourned. Thank you.

24 MR. TURNER: Thank you.

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